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FRESHWATER WETLANDS LETTER OF INTERPRETATION (LOI) APPLICATION CHECKLIST AND FEE TABLE

(updated 2/23/2005)

This checklist is for all LOIs. The Department issues the following three types of LOIs:

1. A presence/absence LOI for a site or on a portion of a site (also called a footprint of disturbance LOI). See N.J.A.C. 7:7A-3.2 for a detailed description of this LOI;
2. A line delineation LOI for a site under one acre. See N.J.A.C. 7:7A-3.3 for a detailed description of this LOI; and
3. A line verification LOI. See N.J.A.C. 7:7A-3.4 for a detailed description of this LOI.

To complete this checklist, you will need:

Attachment A: Form letter for providing certified mail notice of an application

NOTE: Please provide only one copy of each item listed on the checklist, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of the freshwater wetlands rules. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site, if the contract is contingent on the issuance of a freshwater wetlands permit. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out a project on the property. This person should be identified in the application as the agent.

NOTE: After the Department has reviewed an application for a line verification LOI, or a line delineation LOI, the applicant must submit a survey of the wetlands and/or open waters boundary. The Department will then include the survey of the approved boundary in the issued LOI. The Department will not issue the LOI until the survey is submitted.

NOTE: If any portion of this site is known or suspected of having any contamination the applicant shall provide any and all information regarding said contamination to this office with the associated letter of interpretation application.

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for a letter of interpretation must include all of the following items:

- ☐ 1. A LURP-1 application form, completed in accordance with the directions on the form;
- ☐ 2. The appropriate fee, indicated in the fee table below, paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - For all projects except those in the Pinelands, the fee shall be made payable to **"Treasurer, State of New Jersey"**;
 - For projects in the Pinelands, the fee shall be made payable to "NJDEP-Pinelands Wetlands Program."
 - Each check, purchase order, or money order must be marked with the name of the applicant;
 - Each check, purchase order, or money order must indicate the type of letter of interpretation (LOI) for which the application is submitted (for example "presence/absence LOI");
- ☐ 3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, or the signed green certified mail return receipt card.) All of the following must be submitted:
 - ___ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
 - ___ B. Proof that a completed copy of the notice letter found in Attachment A has been sent to each of the following:
 - ___ i. The municipal environmental commission (if one exists);
 - ___ ii. The municipal planning board;
 - ___ iii. The municipal construction official;
 - ___ iv. The county planning board; and
 - ___ v. One of the following sets of neighboring landowners (applicant choose one option):
 - Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site").
 - If this option is selected, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality;
 - Option 2: If the application is part of a joint application for an LOI and a general permit authorization, all owners of land within 200 feet of the proposed disturbance.
 - If this option is selected, the application must also include a tax map with the location of the proposed disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined; or

- Option 3: If the LOI is part of a joint application for an LOI and a general permit authorization for a linear development, trail, or boardwalk; and the project is more than one half mile long, proof that both of the following have been done:
- A copy of the notice in Attachment A has been sent to all owners of land within 200 feet of any proposed above ground structure (not including telephone poles, power lines or similar structures), such as an access road, treatment plant, power substation, or similar structure; and
 - A display advertisement has been published in the newspaper of record for the municipality in which the site is located and in a newspaper with regional circulation in the region in which the site is located. The advertisement shall be at least four column inches in size;
 - To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published;

Note: if a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

- ☐ 4. A copy of a USGS quad map, with: the site clearly outlined (USGS quad maps can be obtained from the Department's Office of Maps and Publications – (609) 777-1038); and State Plane coordinates for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

Note: For a linear development, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

- ☐ 5. An up to date county road map or local street map, with the site clearly indicated;
- ☐ 6. A tax map, with the site clearly indicated;
- ☐ 7. Original color photographs, mounted on 8½ by 11 inch paper, sufficient to show a representative sample of the vegetation on the portion(s) of the site that are affected by the LOI application. A minimum of four photographs is required;
- ☐ 8. A copy of a county soil survey map, with the site clearly outlined. (soil survey maps can be obtained from the local Soil Conservation District, New Jersey Department of Agriculture). Indicate the map number on the map;
- ☐ 9. A copy of all past Department approvals for activities on the site;
- ☐ 10. All additional information required below at 10 through 13 for the type of LOI for which you are applying;

- ☐ 11. For a presence/absence LOI for an entire site under N.J.A.C. 7:7A-3.2(c)1, no additional information is required. However, the boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries;
- ☐ 12. For a presence/absence LOI for a portion of a site under N.J.A.C. 7:7A-3.2(c)2, the following information is required, in addition to the information required in items 1 through 9 above:
- ___ A. Five folded copies of a survey or site plan, drawn at a scale of no more than 1 inch to 50 feet, signed and sealed by a licensed surveyor, clearly showing the portion of the site (or "footprint of disturbance") which the applicant wishes the LOI to cover;
- ___ i. Flags or stakes must be placed on the site to show the boundaries of the portion of the site (or "footprint of disturbance") that the LOI will cover, so that Department staff can easily find the boundary of that portion of the site;
- ___ ii. The flags or stakes must be numbered, and must be identified on the survey or site plan required under A above;
- ☐ 13. For a line delineation LOI for a site under one acre under N.J.A.C. 7:7A-3.3, the application shall include five copies of a survey of the site, drawn at an appropriate scale, signed and sealed by a licensed surveyor. In addition, the boundaries of the site shall be flagged or staked to enable Department staff to identify the site boundaries;
- ☐ 14. For a line verification LOI under N.J.A.C. 7:7A-3.4(b), the following information is required, in addition to the information required in items 1 through 9 above::
- ___ A. Five folded copies of a survey or site plan, drawn at a scale of no more than one inch to 100 feet signed and sealed by a licensed surveyor;
- If the application is for a line verification for the entire site, the survey or site plan shall show the entire site;
- If the application is for a line verification for only a portion of a site, the survey or site plan need only show that portion of the site;
- ___ B. The proposed boundaries of all wetlands and/or open waters on the site must be drawn and clearly labeled on the survey or site plan;
- ___ C. The proposed boundaries of all wetlands and/or open waters must be flagged or staked on the site as follows, so that Department staff can visit the site and locate the proposed boundaries:
- The flags or stakes must be no more than 75 feet apart and must be set in relation to identifiable points and landmarks if possible;
- Each flag or stake must be numbered, and must be identified on the survey or site plan by its number;
- ___ D. Soil borings must be taken as follows:

- Soil borings shall be taken along a line perpendicular to the wetlands boundary, starting in the definite wetland area and moving towards the uplands;
 - Each soil boring must be at least eighteen inches deep, and must be deeper if necessary to provide clear evidence of the soil characteristics at that location on the site. Deeper borings are often necessary in atypical or disturbed wetlands;
 - The number of soil borings must be sufficient to provide a representative sampling of the soil on the site. The Department may require additional borings if necessary to provide a representative sampling;
- ___ E. The survey or site plan shall indicate the location and identifying number of each soil boring;
- ___ F. The application must include soil logs, describing the soil characteristics at the location of each soil boring, including a description of the field indicators, or lack thereof, for hydrology as outlined in the 1989 Federal manual;
- ___ G. The survey or site plan shall indicate topographic contours as follows:
- If the site is located in Middlesex County or Mercer County, or anywhere north of these counties, the survey or site plan must show topographic contours at intervals of no more than five feet;
 - If the site is located south of Middlesex and Mercer Counties, the survey or site plan must show topographic contours at intervals of no more than two feet;
- ___ H. The application must include a description of the vegetative species on the site, recorded at each soil boring and classified using the United States Fish and Wildlife Service (USFWS) categories listed under "R/IND" and "NAT-IND" (Regional and National Indicators) columns in the "National list of Plant Species that Occur in Wetlands: 1988-New Jersey" and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service;
- ___ I. If the application is for a line verification for only a portion of a site under N.J.A.C. 7:7A-3.4(b)3, the survey or site plan must include a metes and bounds description of that portion of the site. The boundaries of that portion of the site must also be flagged or staked on the site, so that Department staff can visit the site and locate the boundaries. The flags or stakes must be numbered, and must be identified on the survey or site plan; and
- ___ J. If the application is for a line verification for an entire site under N.J.A.C. 7:7A-3.4(b) 1 or 2, the survey or site plan must show the boundaries of the site. The boundaries of the site must also be flagged or staked, so that Department staff can visit the site and locate the boundaries; and
- ___ K. The application shall include the name(s) and qualifications of the person(s) who prepared the material required in A through I above.

LETTER OF INTERPRETATION (LOI) APPLICATION FEES

Type of LOI	Fee
Presence/absence LOI -- whole site	\$200.00
Presence/absence LOI under N.J.A.C. 7:7A-3.2 -- portion of a site (AKA footprint of disturbance)	\$400.00
Line delineation LOI under N.J.A.C. 7:7A-3.3 – site smaller than one acre	\$500.00
Line verification LOI under N.J.A.C. 7:7A-3.4 – site smaller than one acre	\$500.00
Line verification LOI under N.J.A.C. 7:7A-3.4 – site one acre or larger	\$500.00 plus \$70.00 per acre ¹ , up to \$50,000.00
LOI extension under N.J.A.C. 7:7A-3.6	\$200.00, or 25% of original fee, whichever is greater
LOI (any type) and a transition area waiver, (any type) if the site is one acre or smaller.	\$700.00 <i>Note: this fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.</i>
LOI (any type) and a transition area waiver, (any type) if the site is larger than one acre.	\$900.00 plus \$80.00 per acre ¹ <i>Note: this fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.</i>
LOI (any type) and a general permit authorization	Sum of applicable LOI and general permit authorization fees
LOI (any type) and an individual permit	Applicable individual permit fee

Notes:

1. When this fee table refers to a cost "per acre ", this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres. When this fee table refers to a cost "per 1/10 acre", this means the cost is per tenth of an acre or fraction thereof, such that an area of 0.12 acres would have the same fee as an area of 0.2 acres. When this fee table refers to an "acre affected", this means an acre of freshwater wetlands, State open waters, or transition area that will be affected by a regulated or prohibited activity.